

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PHILLIP C. ROGERS,

Plaintiff,

v.

RUSHMORE MARKETING SERVICES  
LLC, et al.,

Defendants.

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Case No. 1:19-cv-289

HONORABLE PAUL L. MALONEY

**ORDER DISMISSING MOTIONS TO DISMISS AS MOOT**

On June 27, 2019, Defendants filed motions to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 14 and 17). On July 17, 2019, Plaintiff filed an amended complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1) (ECF No. 24). When filed, an amended complaint supersedes the original complaint, which becomes a nullity. *See Drake v. City of Detroit*, 266 F.App'x 444, 448 (6th Cir. 2008); *Klyce v. Ramirez*, 852 F.2d 568, 1988 WL 74155, at \* 3 (6th Cir. July 19, 1998) (per curiam) (unpublished table opinion) (collecting cases from other circuits). An amended complaint filed after a motion to dismiss has been filed renders the motion to dismiss moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003) ("Because the original complaint now is superseded by the amended complaint, the court denies without prejudice all pending motions pertaining to the original complaint."). Accordingly, the motions to dismiss the complaint (ECF No. 14 and 17) are DISMISSED AS MOOT.

**IT IS SO ORDERED.**

Date: July 19, 2019

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge